(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 772 /2003

PETITIONER

A.K. Dey,
S/o. Late F.N. Dey,
Aged 77 years,
Occupation - Retired Govt.Servant
R/o. Mission Hospital Road,
Bilaspur (C.G.)
Through Power of Attorney Holder,
Utpal Dey,
S/o. A.K. Dey,
Aged 39 years,
Occupation - Business,
R/o. Mission Hospital Road,
Bilaspur (C.G.)

P. R. No. 63 for 3
Presented by Shri Jitendra Shrivastava
dated 25.02.03

Versus

RESPONDENTS

1. Municipal Corporation, Bilaspur
Through its Commissioner,
Bilaspur (C.G.)

2. Commissioner,
Municipal Corporation,
Bilaspur (C.G.)

3. Sub Divisional Magistrate,
Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

(45)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक LPA No. 19 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक व आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

DIVISION BENCH: -
HON'BLE SHRI K.H.N. KURANGA, CJ
& HON'BLE SHRI L.C. BHADOO, J.

09/07/2003

Shri Manindra Shrivastava, counsel for the appellant.

Shri Sanjay K Agrawal, counsel for the respondents No.1 and 2.

Heard both the counsel.

By this L.P.A. the appellant has challenged the Order dated 05-04-2003, passed by the learned Single Judge in Writ Petition No.772/2003. The operative portion of the order dated 05-04-2003 reads thus :

> " Since the construction is of development work meant for public purpose, construction work would not suffer. However, if the petitioner ultimately succeeds in this petition, he may be given proper compensation thereof."

The reply has been filed on behalf of respondents No.1 and 2.

The main grievance of the appellant is that the respondents are trying to dispossess the appellant from the land in question without following due process of law. In the reply filed on behalf of the respondents in para 3 it is stated thus:

> " That the answering respondents further submit that they are not going to forcibly dispossess the appellant from the land in dispute and they will proceed strictly in accordance with law and if land of the appellant will be required it will be taken strictly in accordance with law in force."

XI-HC– 78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक L.P.A.No. 19/2003 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	At this stage looking to the reply filed by the respondents No.1 and 2, counsel for the appellant/petitioner submitted that if the respondents are not going to forcibly dispossess the appellant from the land in dispute without following procedure as established under the law and in case the land of the appellant is required by the respondents, they will strictly proceed in accordance with law, the petitioner will have no grievance. Both the counsel agreed that in view of the statement made in para 3 of the reply of respondents No.1 and2 the writ petition No.772/2003 may also be withdrawn to this Court and it may be disposed of. Accordingly, the writ petition No.772/2003 is withdrawn to this Court. In view of the statement made by respondents No.1 and 2 in para 3 of the reply we dispose of the writ petition and this appeal with a direction that the respondents will not take forcible possession of the appellant's land without following the due process of law. Accordingly, the order passed by the learned Single Judge merges with this order and therefore, the writ petition and the appeal stand disposed of. **Sd/-** **Chief Justice**	**Sd/-** **L.C. Bhadoo** **Judge**